

Mojave Desert
Air Quality Management District



Draft
Staff Report
Proposed Adoption of the
*Federal Negative Declarations for Three Source
Categories*

For Adoption on
August 23, 2010

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**STAFF REPORT
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Federal Negative Declarations for Three CTG Source Categories

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STAFF REPORT

Federal Negative Declarations for Three CTG Source Categories

I. PURPOSE OF STAFF REPORT

A staff report serves several discrete purposes. Its primary purpose is to provide a summary and background material to the members of the Governing Board. This allows the members of the Governing Board to be fully informed before making any required decision. It also provides the documentation necessary for the Governing Board to make any findings, which are required by law to be made prior to the approval or adoption of a document. In addition, a staff report ensures that the correct procedures and proper documentation for approval or adoption of a document have been performed. Finally, the staff report provides evidence for defense against legal challenges regarding the propriety of the approval or adoption of the document.

II. EXECUTIVE SUMMARY

The Mojave Desert Air Quality Management District (MDAQMD) Governing Board is being requested to conduct a public hearing, make findings, and then adopt a resolution adopting the *Federal Negative Declarations for Three Source Categories* and directing staff actions. These “Federal Negative Declarations” (FNDs) are different from the Negative Declarations associated with the California Environmental Quality Act (CEQA). Instead, these FNDs, once adopted by the Governing Board, will serve as official certification to the United States Environmental Protection Agency (USEPA) that there are no stationary sources or emitting facilities in these categories located within the area designated as non-attainment for ozone within the MDAQMD.

Adoption of the FNDs will satisfy the specific federal requirement described below. Their adoption does not satisfy any other state or federal requirements imposed upon the District. There are no emission reductions associated with this action because it does not change any existing rules or regulations.

The Federal Clean Air Act (FCAA) requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Technique Guidelines (CTG) documents issued by the USEPA for “major sources” of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. For those source categories not represented within the area designated non-attainment for ozone, USEPA requires the submission of a “Negative Declaration” certifying that those sources are not present. These Federal “Negative Declarations” are revisions to the State Implementation Plan (SIP). The *Federal Negative Declarations for Forty-Four Source Categories* was most recently adopted by the MDAQMD on January 22, 2007. The *Federal Negative Declarations for Three Source Categories* must be adopted to account for three source categories at the request of USEPA. These three source categories are: *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158); *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83); and *Control of VOC Fugitive Emissions from*

Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment (EPA-450/3-83-006, 03/84).

III. STAFF RECOMMENDATION

Staff recommends that the Governing Board of the MDAQMD, after conducting a public hearing, adopt the *Federal Negative Declarations for Three Source Categories*. Such action is necessary to satisfy the federal requirements for submission of FNDs for each source category not represented within the District covered by a CTG or which meets the definition of a major source.

IV. LEGAL REQUIREMENTS CHECKLIST

The findings and analysis as indicated below are required for the procedurally correct adoption of the *Federal Negative Declarations for Three Source Categories*. Each item is discussed, if applicable, in Section V below. Copies of documents are included in the appropriate Appendix.

FINDINGS REQUIRED FOR RULES & REGULATIONS:

- X Necessity
- X Authority
- X Clarity
- X Consistency
- X Non-duplication
- X Reference
- X Public Notice & Comment
- X Public Hearing

REQUIREMENTS FOR STATE IMPLEMENTATION PLAN SUBMISSION (SIP):

- X Public Notice & Comment
- X Availability of Document
- X Notice to Specified Entities (State, Air Districts, USEPA, Other States)
- X Public Hearing
- X Legal Authority to adopt and implement the document.
- X Applicable State laws and regulations were followed.

ELEMENTS OF A FEDERAL SUBMISSION:

- X Elements as set forth in applicable Federal law or regulations.

CALIFORNIA ENVIRONMENTAL QUALITY ACT REQUIREMENTS (CEQA):

- N/A Ministerial Action
- N/A Exemption
- X Negative Declaration
- N/A Environmental Impact Report
- X Appropriate findings, if necessary.
- X Public Notice & Comment

SUPPLEMENTAL ENVIRONMENTAL ANALYSIS (RULES & REGULATIONS ONLY):

- X Environmental impacts of compliance.
- N/A Mitigation of impacts.
- N/A Alternative methods of compliance.

OTHER:

- X Written analysis of existing air pollution control requirements
- X Economic Analysis
- X Public Review

V. DISCUSSION OF LEGAL REQUIREMENTS

A. REQUIRED ELEMENTS/FINDINGS

This section discusses the State of California statutory requirements that apply to the proposed adoption of the *Federal Negative Declarations for Three Source Categories* (specifically: *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158); *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83); and *Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment* (EPA-450/3-83-006, 03/84)). Since this document is required to be adopted pursuant to public notice and other requirements under 42 USC 7410(a)(2), the District considers the rule adoption process pursuant to Health & Safety (H&S) Code §40702 to be a proper way to meet these requirements. Therefore, these are actions, that need to be performed, and/or information, that must be provided in order to adopt this document in a procedurally correct manner.

1. State Findings Required for Adoption of Rules & Regulations

Before adopting, amending, or repealing a rule or regulation, the District Governing Board is required to make findings of necessity, authority, clarity, consistency, non-duplication, and reference based upon relevant information presented at the hearing. The information below is provided to assist the Board in making these findings.

a. Necessity

The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is necessary because those source categories are not represented within the area of the District designated non-attainment for ozone and USEPA requires the submission of a FND certifying that those sources are not present. The *Federal Negative Declarations for Forty-Four Source Categories* was most recently adopted by the MDAQMD on January 22, 2007. The *Federal Negative Declarations for Three Source Categories* is being adopted at the specific request of USEPA.

b. Authority

MDAQMD has the authority pursuant to California H&S Code §40702, 40725-40728 to adopt, amend or repeal rules and regulations and to do such actions that are necessary or proper to execute the powers and duties granted to and imposed upon MDAQMD.

c. Clarity

The proposed adoption is clear in that it is written so that the FND certifying that these types of sources are not present within the District is easily understood.

d. Consistency

The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is in harmony with, and not in conflict with or contradictory to any state law or regulation, federal law or regulation, or court decisions. USEPA has specifically requested the adoption of a FND for these three source categories.

e. Non-duplication

The proposed adoption of the *Federal Negative Declarations for Three Source Categories* does not impose the same requirements as an existing state or federal law or regulation because federal law requires the adoption and certification of “Negative Declarations” for those source categories not represented within the area designated non-attainment for ozone.

f. Reference

The District has the authority pursuant to H&S Code §40702 to adopt, amend or repeal rules and regulations and do such acts as necessary and proper to execute the powers and duties granted to and imposed upon the District.

g. Public Notice & Comment, Public Hearing

Notice for the public hearing for the proposed adoption of the *Federal Negative Declarations for Three Source Categories* will be published July 23, 2010. See Appendix “B” for a copy of the public notice. See Appendix “C” for copies of comments, if any, and MDAQMD responses.

2. Federal Elements (SIP Submittals, Other Federal Submittals)

Submittals to USEPA are required to include various elements depending upon the type of document submitted and the underlying federal law, which requires the submittal. The information below indicates which elements are required for the proposed adoption of the *Federal Negative Declarations for Three Source Categories* and how they were satisfied.

a. Satisfaction of Underlying Federal Requirements

The adoption of the *Federal Negative Declarations for Three Source Categories* is subject to all the requirements for a SIP submittal because the “Negative Declarations” will be included in the MDAQMD SIP. The criteria for determining completeness of SIP submissions are set forth in 40 CFR Part 51, Appendix V, 2.0.

b. Public Notice and Comment

Notice for the public hearing for the proposed adoption of the *Federal Negative Declarations for Three Source Categories* will be published July 23, 2010. See Appendix “B” for a copy of the public notice.

c. Availability of Document

Copies of the proposed adoption of the *Federal Negative Declarations for Three Source Categories* and the accompanying draft staff report will be made available to the public on or before July 23, 2010.

d. Notice to Specified Entities

Copies of the proposed adoption of the *Federal Negative Declarations for Three Source Categories* and the accompanying draft staff report will be mailed to all affected agencies, including but not limited to the California Air Resources Board (CARB) and USEPA. The proposed amendments will be sent to CARB and USEPA on or before July 9, 2010.

e. Public Hearing

A public hearing to consider the proposed adoption of the *Federal Negative Declarations for Three Source Categories* has been set for August 23, 2010.

f. Legal Authority to Adopt and Implement

The MDAQMD has the authority pursuant to H&S Code §40702 to adopt, amend, or repeal rules and regulations and to do such acts as may be necessary or proper to execute the duties imposed upon the MDAQMD.

g. Applicable State Laws and Regulations Were Followed

Public notice and hearing procedures pursuant to H&S Code §§40725-40728 have been followed. See Section (V)(A)(1) above

for compliance with state findings required pursuant to H&S Code §40727. See Section (V)(B) below for compliance with the required analysis of existing requirements pursuant to H&S Code §40727.2. See Section (V)(C) for compliance with economic analysis requirements pursuant to H&S Code §40920.6. See Section (V)(D) below for compliance with provisions of the California Environmental Quality Act (CEQA).

B. WRITTEN ANALYSIS OF EXISTING REQUIREMENTS

H&S Code §40727.2 requires air districts to prepare a written analysis of all existing federal air pollution control requirements that apply to the same equipment or source type as the rule proposed for modification by the district. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* will certify FNDs for *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158); *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83); and *Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment* (EPA-450/3-83-006, 03/84) are not represented within the area designated non-attainment for ozone. Although the *Federal Negative Declarations for Forty-Four Source Categories* was most recently adopted on January 22, 2007, the *Federal Negative Declarations for Three Source Categories* is being adopted at the request of USEPA.

C. ECONOMIC ANALYSIS

1. General

Adoption of the FNDs will identify three source categories listed above not represented within the area designated non-attainment. The adoption will have no economic impact.

2. Incremental Cost Effectiveness

Pursuant to H&S Code §40920.6, incremental cost effectiveness calculations are required for rules and regulations which are adopted or amended to meet the California Clean Air Act requirements for Best Available Retrofit Control Technology (BARCT) or “all feasible measures” to control volatile compounds, oxides of nitrogen or oxides of sulfur.

The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is not subject to incremental cost effectiveness calculations because this rule does not impose BARCT or “all feasible measures”.

D. ENVIRONMENTAL ANALYSIS (CEQA)

Through the process described below, it was determined that a Notice of Exemption would be the appropriate CEQA process for the proposed adoption of the *Federal Negative Declarations for Three Source Categories*.

1. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* meets the CEQA definition of "project." They are not "ministerial" actions.
2. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is exempt from CEQA review because it will not create any adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

E. SUPPLEMENTAL ENVIRONMENTAL ANALYSIS

1. Potential Environmental Impacts

There are no potential negative environmental impacts of compliance with the proposed adoption of the FNDs because the FND merely certifies that the particular source categories are not located within the District.

2. Mitigation of Impacts

N/A

3. Alternative Methods of Compliance

N/A

F. PUBLIC REVIEW

See Staff Report Section (V)(A)(1)(g) and (2)(b), as well as Appendix "B"

VI. TECHNICAL DISCUSSION

USEPA required that all non-attainment areas submit an updated RACT SIP Analysis. The purpose of the RACT SIP Analysis is to ensure that District Rules adequately address current RACT requirements. MDAQMD review identified many source categories that do not have corresponding sources (major or minor) within the jurisdiction of the MDAQMD. The *Federal Negative Declarations for Forty-Four Source Categories* was most recently adopted on January 22, 2007 for these source categories. The *Federal Negative Declarations for Three Source Categories* is being adopted at the request of USEPA.

Table 1

FEDERAL NEGATIVE DECLARATIONS FOR THREE SOURCE CATEGORIES	
Source Category	CTG/Guidance Document Covering action
Petroleum Refinery Equipment	Control of VOC Leaks from Petroleum Refinery Equipment (EPA-450/2-78-036, 6/78, NTIS PB-286-158)
Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins	Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and polystyrene Resins (EPA-450/3-83-008, 11/83)
Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment	Control of VOC Fugitive Emissions from Synthetic Organic Polymer and Resin Manufacturing Equipment (EPA-450/3-83-006, 3/84)

E. SIP HISTORY

1. SIP History

a. SIP in the San Bernardino County Portion of MDAQMD

On July 1, 1993 the MDAQMD was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the SBCAPCD until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Since SIP revisions in California are adopted by USEPA as effective in areas which happen to be defined by both air basin designations and the jurisdictional boundaries of local air districts within those air basins, the MDAQMD “inherited” the SBCAPCD SIP which was in effect for what is now called the San Bernardino County Portion of MDAB.

b. SIP in the Riverside County (Blythe/Palo Verde Valley) Portion of the MDAQMD

One of the provisions of the legislations which created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left SCAQMD and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley

the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD.

2. SIP Analysis

The *Federal Negative Declarations for Forty-Four Source Categories* was most recently adopted on January 22, 2007 for these source categories. The *Federal Negative Declarations for Three Source Categories*, specifically the source categories: *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158); *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83); and *Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment* (EPA-450/3-83-006, 03/84), are being adopted at the request of USEPA.

The MDAQMD has determined that no sources in the three source categories listed in Table 1 exist within its jurisdiction.

Appendix “A”
Federal Negative Declarations for Three Source Categories
Draft Version

1. *Federal Negative Declaration (8-hr Ozone Standard) for Three Source Categories*

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Mojave Desert Air Quality Management District

14306 Park Avenue, Victorville, CA 92392-2310

760.245.1661 • fax 760.245.2699

Visit our web site: <http://www.mdaqmd.ca.gov>

Eldon Heaston, Executive Director

Mojave Desert Air Quality Management District Federal Negative Declaration (8-hr Ozone Standard) for Three Source Categories

The *Federal Clean Air Act* (FCAA) requires areas designated non-attainment for ozone and classified moderate and above to adopt, maintain rules requiring certain sources of air pollution to implement Reasonably Available Control Technology (RACT). Rules are required for all sources of Volatile Organic Compounds (VOCs) and Oxides of Nitrogen (NO_x) in source categories covered by a Control Techniques Guideline (CTG) or Alternative Control Technique Guidance (ACT) document issued by the United States Environmental Protection Agency (USEPA) and for any other major stationary sources of VOCs located within the affected area (42 U.S.C. §7511a(b)(2); FCAA 182(b)(2)). If a rule is unnecessary because a source category does not exist within the affected area USEPA requires the submission of a Federal Negative Declaration to certify that those sources are not present. The FCAA requires areas designated non-attainment and classified moderate and above to implement Reasonably Available Control Technology (RACT) for sources subject to Control Technique Guidelines (CTG) documents issued by USEPA for "major sources" of volatile organic compounds (VOCs) and oxides of nitrogen (NO_x) which are ozone precursors. On March 9, 2006, USEPA shifted its ozone standard from measurement on a one-hour basis to an eight-hour basis (8-hour ozone standard). For purposes of the FCAA, portions of the District have been designated non-attainment for ozone and classified as moderate for the 8-hour standard. As a result of the shift to the 8-hour standard, USEPA required that all non-attainment areas submit an updated *Reasonably Available Control Technology – State Implementation Plan Analysis (RACT SIP Analysis)*. The purpose of the *RACT SIP Analysis* is to ensure that District Rules adequately address current RACT requirements. The MDAQMD *RACT SIP Analysis* identified forty-four source categories. The *Federal Negative Declarations for Forty-Four Source Categories* was most recently adopted on January 22, 2007 for these source categories. The *Federal Negative Declarations for Three Source Categories* is being adopted at the request of USEPA.

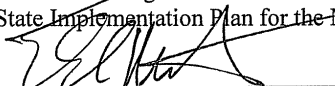
On July 1, 1993 the Mojave Desert Air Quality Management District (MDAQMD) was formed pursuant to statute. Pursuant to statute it also retained all the rules and regulations of the San Bernardino County Air Pollution Control District (SBCAPCD) until such time as the Governing Board of the MDAQMD wished to adopt, amend or rescind such rules. The MDAQMD Governing Board, at its very first meeting, reaffirmed all the rules and regulations of the SBCAPCD. Since State Implementation Plan (SIP) revisions in California are adopted by USEPA as effective in areas which happen to be defined by both air basin designations and the jurisdictional boundaries of local air districts within those air basins, the MDAQMD "inherited" the SBCAPCD

City of Adelanto	Town of Apple Valley	City of Barstow	City of Blythe	City of Hesperia	City of Needles	County of Riverside	County of San Bernardino	City of Twentynine Palms	City of Victorville	Town of Yucca Valley
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SIP which was in effect for what is now called the San Bernardino County Portion of the Mojave Desert Air Basin (MDAB). One of the provisions of the legislations which created the MDAQMD allowed areas contiguous to the MDAQMD boundaries and within the same air basin to leave their current air district and become a part of the MDAQMD. On July 1, 1994 the area commonly known as the Palo Verde Valley in Riverside County, including the City of Blythe, left the South Coast Air Quality Management District (SCAQMD) and joined the MDAQMD. Since USEPA adopts SIP revisions in California as effective within the jurisdictional boundaries of local air districts, when the local boundaries change the SIP as approved by USEPA for that area up to the date of the change remains as the SIP in that particular area. Upon annexation of the Blythe/Palo Verde Valley the MDAQMD acquired the SIP prior to July 1, 1994 that was effective in the Blythe/Palo Verde Valley. Therefore, the SIP history for the Blythe/Palo Verde Valley Portion of the MDAQMD is based upon the rules adopted and approved for that portion of Riverside County by SCAQMD. Thus, the MDAQMD is required to either retain RACT rules or to submit a Federal Negative Declaration to certify that there are no such sources in the particular source category within its jurisdiction.

The MDAQMD has examined its permit files, emissions inventory and other documentation and has determined that there are no sources in the three source categories referenced in attachment A, located within the jurisdiction of the MDAQMD and none are anticipated in the near future.

I certify on behalf of the MDAQMD that, to my knowledge, the MDAQMD does not have any major stationary sources in the referenced categories located within the jurisdiction of the District. Therefore the MDAQMD requests the USEPA to approve this Federal Negative Declaration for the 8 hour Ozone Standard and include it in the State Implementation Plan for the MDAQMD.



Eldon Heaston
Executive Director

7/8/10
Date



Attachment A

FEDERAL NEGATIVE DECLARATIONS FOR THREE SOURCE CATEGORIES	
Source Category	CTG/Guidance Document Covering action
Petroleum Refinery Equipment	Control of VOC Leaks from Petroleum Refinery Equipment (EPA-450/2-78-036, 6/78, NTIS PB-286-158)
Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins	Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and polystyrene Resins (EPA-450/3-83-008, 11/83)
Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment	Control of VOC Fugitive Emissions from Synthetic Organic Polymer and Resin Manufacturing Equipment (EPA-450/3-83-006, 3/84)



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Appendix “B”

Public Notice Documents

1. Draft Proof of Publication – Daily Press
2. Draft Proof of Publication – Riverside Press Enterprise

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NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on August 23, 2010 at 10:00 A.M. to consider the proposed adoption of the *Federal Negative Declarations for Three Source Categories*.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed *Federal Negative Declarations for Three Source Categories* and the Staff Report are on file and may be obtained from the Clerk of the Governing Board at the MDAQMD Offices. Written comments may be submitted to Eldon Heaston, APCO at the above office address. Comments must be received no later than close of business August 20, 2010 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information.

The *Federal Negative Declarations for Three Source Categories* is being adopted at the request of USEPA to include three source categories not included in the *Federal Negative Declarations for Forty-Four Source Categories* previously adopted on January 22, 2007. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* (specifically: *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158); *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83); and *Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment* (EPA-450/3-83-006, 03/84)) will satisfy the federal requirements for submission of FNDs for each source category not represented within the District covered by a CTG or which meets the definition of a major source.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.

Michele Baird
Clerk of the Board
Mojave Desert Air Quality Management District

NOTICE OF HEARING

NOTICE IS HEREBY GIVEN that the Governing Board of the Mojave Desert Air Quality Management District (MDAQMD) will conduct a public hearing on August 23, 2010 at 10:00 A.M. to consider the proposed adoption of the *Federal Negative Declarations for Three Source Categories*.

SAID HEARING will be conducted in the Governing Board Chambers located at the MDAQMD offices 14306 Park Avenue, Victorville, CA 92392-2310 where all interested persons may be present and be heard. Copies of the proposed *Federal Negative Declarations for Three Source Categories* and the Staff Report are on file and may be obtained from the Clerk of the Governing Board at the MDAQMD Offices. Written comments may be submitted to Eldon Heaston, APCO at the above office address. Comments must be received no later than close of business August 20, 2010 to be considered. If you have any questions you may contact Tracy Walters at (760) 245-1661 extension 6122 for further information.

The *Federal Negative Declarations for Three Source Categories* is being adopted at the request of USEPA to include three source categories not included in the *Federal Negative Declarations for Forty-Four Source Categories* previously adopted on January 22, 2007. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* (specifically: *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158); *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83); and *Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment* (EPA-450/3-83-006, 03/84)) will satisfy the federal requirements for submission of FNDs for each source category not represented within the District covered by a CTG or which meets the definition of a major source.

Pursuant to the California Environmental Quality Act (CEQA) the MDAQMD has determined that a Categorical Exemption (Class 8 – 14 Cal. Code Reg §15308) applies and has prepared a *Notice of Exemption* for this action.

Michele Baird
Clerk of the Board
Mojave Desert Air Quality Management District

Appendix “C”

Public Comments and Responses

1. USEPA email, October 26, 2009
2. USEPA email, March 12, 2010

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Tracy Walters

From: Alan De Salvio
Sent: Monday, October 26, 2009 4:07 PM
To: Tracy Walters
Subject: FW: RACT SIPs
 Did I forward this to you?

From: Wong.Lily@epamail.epa.gov [mailto:Wong.Lily@epamail.epa.gov]
Sent: Tuesday, October 20, 2009 12:11 PM
To: Alan De Salvio
Cc: Tong.Stanley@epamail.epa.gov; Steckel.Andrew@epamail.epa.gov
Subject: RACT SIPs

Hi Alan,
 Per my voicemail message, Stanley Tong and I would like to discuss MDAQMD's & AVAQMD's RACT SIPs. Here are some times that currently work for us (although I noticed that the California Desert Air Working Group Conference is this week). Please let me know what works for you.

Tue, Oct 20 all day until 2:00
 Wed, Oct 21 2:30-3:30
 Mon, Oct 26 10:00 -11:00
 Tue, Oct 27 11:00 - 12:00, 1:00 - 4:00
 Wed, Oct 28 9:00 - 10:00, 10:30 - 1:30, 2:30-4:00
 Thur, Oct 29 11:00 - 2:00
 Fri, Oct 30 9:00 - 2:00

Here are the topics for our call:

MDAQMD:

1. In response to EPA's comments of September 14, 2005, MDAQMD modified its list of RACT Actions, indicating that the District does not intend to develop RACT rules for Commercial and Residential Space Heaters and Publicly Owned Treatment Plant "...if it is not a federal requirement." RACT rules are not required if the District does not have any major sources in these categories. Could the District confirm that the District does not have major sources in these categories?

2. In the District's Negative Declaration as outlined in Board Resolution 07-01, Attachment A, it did not include the source category covered by the CTG entitled, "Control of VOC Leaks from Petroleum Refinery Equipment (EPA-450/2-78-036, 6/78, NTIS PB-286-158)." We were wondering if this was an inadvertent omission since this CTG was included in the August 2006 RACT SIP Analysis table on p. A-24 and listed as "no source, no rule" and "FND filed in 07/13/94." Could you confirm that it was the District's intent to include this CTG category in the Negative Declaration?

3. In the District's list of major non-CTG sources on Table 1 of the August 2006 RACT SIP Analysis, we did not see Aerochem in Adelanto, whose emission in CARB's emissions inventory database shows annual NOx emissions of 177 tpy in 2005-2007. For some strange reason, it appears that the NOx emissions are coming from an etchant solution storage tank - does that seem correct? Nonetheless, should Aerochem be on the list of major non-CTG sources, and therefore be subject to a RACT rule?

4. Does the District have any facilities that are engaged in the manufacture of polymer resins (e.g. converting monomers or intermediate materials and creating polymers)? The two CTGs from 1983 apply to the manufacturing of high-density polyethylene, polypropylene, and polystyrene, and to leaks and fugitive emissions from polymer manufacturing. While we are aware that the District has adopted Rule

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1162 that applies to facilities engaged in the use of polymer resins in either making products or repairwork, it's unclear if the District has sources engaged in the manufacture of the polymer itself. If there aren't any manufacturing facilities, a Negative Declaration for the 1983 CTGs could be appropriate.

AVAQMD

5. For the AVAQMD's RACT SIP, the District indicated their intent to submit Rule 1124 for aerospace. While it appears that Rule 1124 was amended on 3/20/07, we have no record that Rule 1124 was submitted to EPA in either EPA's database or CARB's database.

Lily Wong
USEPA Region 9
Rules Office (Air-4)
75 Hawthorne Street
San Francisco, CA 94105

(415) 947-4114

5/21/2010

District response to USEPA comments

1. *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158) is included in the *Federal Negative Declarations for Three Source Categories* proposed for adoption.
2. *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83) and *Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment* (EPA-450/3-83-006, 03/84) are included in the *Federal Negative Declarations for Three Source Categories* proposed for adoption. There are no facilities in the MDAQMD engaged in the manufacture of polymer resins.

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Tracy Walters

From: Wong.Lily@epamail.epa.gov
Sent: Friday, March 12, 2010 1:29 PM
To: Alan De Salvio; Tracy Walters
Cc: Tong.Stanley@epamail.epa.gov; Hong.Jeanhee@epamail.epa.gov
Subject: RACT SIP follow-up

Alan & Tracy,

This email is a follow-up to our discussions in February in which we discussed the Districts' current efforts to address deficiencies associated with the 2006 RACT SIP Analysis submittals.

This email touches on:

1. Submittals -- notice, comment and Board adopted
2. List for Negative Declarations
3. The relationship of the Districts' current effort to supplement the 2006 RACT SIP Analysis and the Districts' obligations on "newer" CTGs (e.g., CTGs finalized in 2006, 2007, and 2008, after the Districts' submittal of their 2006 RACT SIP Analyses).

Submittals -- Notice, Comment, and Board Adopted

After our call, our attorney advised us that since RACT SIP Analyses in their entirety are actually approved into the SIP, it is important that supplemental materials submitted to address deficiencies should also have undergone notice, comment, and Board adoption.

List for Negative Declarations

AVAQMD and MDAQMD confirmed that the Districts do not have sources in the following CTG categories, so Negative Declarations would be appropriate.

AVAQMD:

- Ships - see August 27, 1996, 61 FR 44050, and "Alternative Control Technique Document: Surface Coating Operations at Shipbuilding and Ship Repair Facilities" (EPA-453/R-94-032, 4/94).
- "Control of Volatile Organic Emissions from Storage of Petroleum Liquids in Fixed Roof Tanks" (EPA-450/2-77-036, 12/77).
- "Control of Volatile Organic Emissions from Petroleum Liquid Storage in External Floating Roof Tanks" (EPA-450-2/78-047, 12/78).

MDAQMD:

- "Control of VOC Leaks from Petroleum Refinery Equipment" (EPA-450/2-78-036, 6/78, NTIS PB-286-158).
- "Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins" (EPA-450/3-83-008).
- "Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment" (EPA-450/3-83-006).

Relationship to CTGs finalized after 2006 RACT SIP Submittals

As you may know, States and Districts are required to certify that their rules meet current RACT

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within one year of EPA's publication in the Federal Register of the availability of the CTG. There are eleven CTGs that were finalized after the Districts' work on the 2006 RACT SIP Analyses, and these CTGs were not the bases for the deficiencies identified with the 2006 RACT SIP Analyses.

Because of the Districts' current efforts, if a rule is being updated to address the deficiencies with the 2006 RACT SIP Analysis and there is a more recent CTG that applies to the source category, it seems appropriate and an efficient use of resources that the District would also address the new CTG at the same time. An example might be the CTG for Industrial Cleaning Solvents (EPA 453/R-06-001).

Hope this helps. Let me know if you have questions.

Lily Wong
USEPA Region 9
Rules Office (Air-4)
75 Hawthorne Street
San Francisco, CA 94105

(415) 947-4114

3/15/2010

District Response to USEPA email

1. *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158), *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83), and *Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment* (EPA-450/3-83-006, 03/84) are included in the *Federal Negative Declarations for Three Source Categories* proposed for adoption.

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Appendix “D”
California Environmental Quality Act
Documentation

1. Draft Notice of Exemption – San Bernardino County
2. Draft Notice of Exemption – Riverside County

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NOTICE OF EXEMPTION

TO: County Clerk
San Bernardino County
385 N. Arrowhead, 2nd Floor
San Bernardino, CA 92415

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

X MDAQMD Clerk of the Governing Board

PROJECT TITLE: Adoption of the *Federal Negative Declarations for Three Source Categories*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The *Federal Negative Declarations for Three Source Categories* is being adopted at the request of USEPA to include three source categories not included in the *Federal Negative Declarations for Forty-Four Source Categories* previously adopted on January 22, 2007. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* (specifically: *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158); *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83); and *Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment* (EPA-450/3-83-006, 03/84)) will satisfy the federal requirements for submission of FNDs for each source category not represented within the District covered by a CTG or which meets the definition of a major source.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

Emergency Project (Pub. Res. Code §21080(b)(4); 14 Cal Code Reg. §15269(b))

X Categorical Exemption – Class 8 (14 Cal Code Reg. §15308)

REASONS WHY PROJECT IS EXEMPT: The proposed adoption of the *Federal Negative Declarations for Three Source Categories* is exempt from CEQA review because it will not create any adverse impacts on the environment. Because there is no potential that the adoption might cause the release of additional air contaminants or create any adverse environmental impacts, a Class 8 categorical exemption (14 Cal. Code Reg. §15308) applies.

LEAD AGENCY CONTACT PERSON: Eldon Heaston **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** August 23, 2010

DATE RECEIVED FOR FILING:

NOTICE OF EXEMPTION

TO: Clerk/Recorder
Riverside County
3470 12th St.
Riverside, CA 92501

FROM: Mojave Desert
Air Quality Management District
14306 Park Ave
Victorville, CA 92392-2310

X MDAQMD Clerk of the Governing Board

PROJECT TITLE: Adoption of the *Federal Negative Declarations for Three Source Categories*.

PROJECT LOCATION – SPECIFIC: San Bernardino County portion of the Mojave Desert Air Basin and Palo Verde Valley portion of Riverside County.

PROJECT LOCATION – COUNTY: San Bernardino and Riverside Counties

DESCRIPTION OF PROJECT: The *Federal Negative Declarations for Three Source Categories* is being adopted at the request of USEPA to include three source categories not included in the *Federal Negative Declarations for Forty-Four Source Categories* previously adopted on January 22, 2007. The proposed adoption of the *Federal Negative Declarations for Three Source Categories* (specifically: *Control of VOC Leaks from Petroleum Refinery Equipment* (EPA-450/2-78-036, 6/78, NTIS PB-286-158); *Control of VOC Emissions from Manufacture of High-Density Polyethylene, Polypropylene, and Polystyrene Resins* (EPA-450/3-83-008, 11/83); and *Control of VOC Fugitive Emissions from Synthetic Organic Chemical Polymer and Resin Manufacturing Equipment* (EPA-450/3-83-006, 03/84)) will satisfy the federal requirements for submission of FNDs for each source category not represented within the District covered by a CTG or which meets the definition of a major source.

NAME OF PUBLIC AGENCY APPROVING PROJECT: Mojave Desert AQMD

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Mojave Desert AQMD

EXEMPT STATUS (CHECK ONE)

Ministerial (Pub. Res. Code §21080(b)(1); 14 Cal Code Reg. §15268)

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LEAD AGENCY CONTACT PERSON: Eldon Heaston **PHONE:** (760) 245-1661

SIGNATURE: _____ **TITLE:** Executive Director **DATE:** August 23, 2010

DATE RECEIVED FOR FILING:

Appendix “E”

Bibliography

The following documents were consulted in the preparation of this staff report.

1. Environmental Protection Agency – *Final Rule to Implement the 8-Hour Ozone NAAQS* (70 FR 71617, November 29, 2005)
2. EPA – various CTGs, ACTs, and other documents
3. California Health and Safety Code – various sections

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